

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATIONs No.4552, 4553 & 4558 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

KRISHNAKANT G PANDYA

Appearance:

1. Special Civil Application No. 4552 of 2004
MR ASHISH M DAGLI for Petitioner No. 1
MR RC JANI for Respondent No. 1
MR MENGDEY, Ld. AGP for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE JAYANT PATEL

Date of decision: 12/04/2004

COMMON ORAL JUDGEMENT

1. Rule. Mr.Jani, learned Counsel appears for

respondent employees and waives service of Rule on behalf the private respondent, and Mr.Mengdey, learned AGP who is directed to appear on behalf of the Controlling Authority, under the Payment of Gratuity Act, waives service of rule.

2. All the three petitions are preferred by the petitioner Corporation for challeing the legality and validity of the order passed by the Appellate Authority under the Payment of Gratuity Act, 1972 (hereinafter referred to as "the Act").

3. I have heard Mr.Dagli, learned Counsel for the petitioner, Mr.Jani, learned Counsel for the respondent employees and Mr.Mengdey, learned AGP for the respondent Authority.

4. There is no dispute on the point that the questions which are reaised in these petitions are covered by the decision of this Court dated 11-2-2004 in SCA No.8080/2003 and allied matters. Mr.Jani, appearing for the concerned respondent employees, states that his clients are also ready to forego the interest for delayed payment, if the Hon'ble Court is inclined to give the same directions for allowing the withdrawal of the principal amount which is already deposited by the petitioner Corporation with the Appellate Authority.

5. In view of the above, for the reasons recorded by this Court in the aforesaid decision dated 11-2-2004 in SCA No.8080/2003 and allied matters, I find that the present petitions deserve to be allowed and are allowed and as a consequence thereof, the orders passed by the Controlling Authority as well as by the Appellate Authority impugned in these petitions are quashed and set aside. However, it is further directed that the respondent employees of the concerned petitions shall be allowed to withdraw the principal amount as payment of gratuity and the amount of interest out of the amount deposited, if any, by the Corporation shall be refunded to the Corporation by the Appellate Authority/Controlling Authority forthwith. The petitons are allowed to the aforesaid extent. Rule made absolute accordingly. Considering the facts and circumstances of the case, no order as to costs. In addition to the petitioners, office may also supply copy of the order to the respondent employees concerned.

12-4-2004 (Jayant Patel, J.)

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